

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

In re:

Valsartan NDMA Products Liability Litigation : Master Docket No. 19-2875 (RBK/JS)

This Document Applies to All Cases : ORDER

CASE MANAGEMENT ORDER NO. 2

KUGLER, United States District Judge:

These Matters having come before the Court during the Initial Conference for this Multi-District Litigation ["MDL"] held in person on Wednesday, March 27, 2019;

IT IS HEREBY ORDERED that on the **fourth Wednesday of each month** a two-part, monthly, in-person status conference will be held in this MDL **at the Mitchell H. Cohen United States Courthouse, 1 John F. Gerry Plaza, Camden, NJ 08101**, with the **first part** of the monthly status conference to concern discovery issues, and to be presided over by Magistrate Judge Joel Schneider in **Courtroom 3C at 10:00 am**; and the **second part** of the monthly status conference to concern case management and scheduling issues, and to be presided over by Judge Robert B. Kugler in **Courtroom 4D at 1:30 pm**, **unless the parties are notified otherwise by the Court**, which conference all counsel are welcome to attend but at which only liaison counsel are required to be present;

IT IS FURTHER ORDERED that **two weeks after each monthly status conference on Wednesday afternoon at 4:00 pm**, a telephone conference with Magistrate Judge Joel

Schneider and the leadership counsel shall take place, with plaintiffs' counsel arranging the call and the **first telephone conference taking place on April 10, 2019**;

IT IS FURTHER ORDERED that the next monthly status conference shall occur on **Wednesday, April 24, 2019**, in **Courtroom 3C at 10:00 am**, and in **Courtroom 4D at 1:30 pm**;

IT IS FURTHER ORDERED that, **by the close of business on April 10, 2019**, leadership counsel shall send notice to all plaintiffs' attorneys in this MDL, asking if plaintiffs' attorneys have an interest in joining the plaintiffs' leadership committees and requesting their submission by no later than **April 18, 2019**;

IT IS FURTHER ORDERED that, **by the close of business on April 22, 2019**, plaintiffs shall submit to the Court their proposed lists of nominated members to plaintiffs' leadership committees, and the Court shall consider plaintiffs' proposed lists at the April 24, 2019 conference;

IT IS FURTHER ORDERED that, **by the close of business on April 22, 2019**, plaintiffs shall submit to the Court a proposed Order for the Time and Expense Reporting of Common Benefit Fees and Related Costs, which Order shall set forth a proposed protocol by which plaintiffs' counsel shall record and archive their time and expense records for the common benefit work they execute during the MDL;

IT IS FURTHER ORDERED, UNLESS OTHERWISE ORDERED BY THE COURT, that defendants are not required to file an answer to plaintiffs' complaints. By so discharging defendants' requirement under Fed. R. Civ. Proc. ["Rule"] 8(b), the Court acknowledges each defendant would have pleaded they denied and/or lacked knowledge or information regarding the allegations in each complaint;

IT IS FURTHER ORDERED that, **by the close of business on April 22, 2019**, plaintiffs shall serve a proposed list of “core” documents they request defendants to produce promptly without the necessity of a formal document request, with such list including a description sufficient to identify the documents and/or class of documents;

IT IS FURTHER ORDERED that, **before the next status conference**, the parties’ counsel shall meet and confer regarding the following:

- a. a Direct File Order,
- b. a resolution regarding the service of complaints under Rule 4 to defendants, including service under Rule 4(f) to defendants not residing, domiciled or headquartered in any judicial district in the United States,
- c. a Master Complaint, and a corresponding Short Form Complaint, for each class of plaintiff (including whether plaintiffs will be pursuing sartans other than valsartan),
- d. a proposed Preliminary Information Request and/or Plaintiff Fact Sheet in **fillable PDF format**, to be completed by Plaintiffs upon filing a Complaint in this MDL,
- e. an agreement that all discovery, including depositions, from any related state cases **may be used** in this MDL,
- f. a Discovery Confidentiality Order,
- g. a Repository for hard-copy and for electronically-produced documents,
- h. an Electronically Stored Information [“ESI”] protocol;
- i. the timing and manner by which the parties may approach the Judicial Panel on Multi-District Litigation [“JPML”] to seek the JPML’s order that other recalled sartans and nitrosamine contaminants are to be included in this MDL;

IT IS FURTHER ORDERED, that, **by the close of business on April 22, 2019**, the parties shall serve an agenda for the next monthly status conference and update the Court on their meet and confer efforts.

Dated: April 2, 2019

s/ Robert B. Kugler

ROBERT B. KUGLER

United States District Judge